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35 **UNITED STATES DISTRICT COURT**

36 **DISTRICT OF NEVADA**

37 ORACLE USA, INC., a Colorado
38 corporation; ORACLE AMERICA, INC., a
39 Delaware corporation; and ORACLE
40 INTERNATIONAL CORPORATION, a
41 California corporation,

42 Plaintiffs,

43 v.

44 RIMINI STREET, INC., a Nevada
45 corporation; and SETH RAVIN, an
46 individual,

47 Defendants.

48 Case No. 2:10-cv-00106-LRH-VCF

49 **DECLARATION OF FRANK
50 RENEKE IN SUPPORT OF RIMINI
51 STREET, INC.'S OPPOSITION TO
52 ORACLE'S MOTION TO COMPEL**

53 **PUBLIC REDACTED VERSION**

1 I, Frank Reneke, declare as follows:

2 1. I am the Group Vice President and General Manager of Oracle Services at
 3 Rimini Street, Inc. ("Rimini"). I am a subject matter expert in both Oracle and SAP software
 4 with 25 years of implementation experience. In my various roles at Rimini Street, I have been,
 5 and am, partly responsible for the content on Rimini's externally facing website
 6 (riministreet.com) that concerns Oracle Applications, including PeopleSoft and J.D. Edwards.
 7 I have worked at Rimini as a Vice President of Marketing and Strategy, as Vice President of
 8 Functional Support Services, and now as the General Manager of Oracle Services, since 2012.
 9 All of these roles were sales-facing, meaning that they are part of marketing or sales, and not
 10 part of the support organization, which actually provides client support and works with clients'
 11 software environments. Many of the articles and other materials on Rimini's website
 12 concerning Oracle Applications were authored by me or members of my team or former teams
 13 that I supervise. I am knowledgeable about Rimini's marketing materials for PeopleSoft, J.D.
 14 Edwards, and other Oracle Applications on Rimini's web site. I am also an author of Rimini
 15 materials regarding SAP support. The facts stated in this declaration are based on my personal
 16 knowledge, and if called upon as a witness I would and could testify competently to them.

17 2. Materials authored since 2015 related to Oracle Applications, such as PeopleSoft
 18 and J.D. Edwards, that are made available on Rimini's website, including documents in
 19 Rimini's online resource library, white papers, webinars, and the like ("Online Materials"),
 20 were authored by my Functional Support group that I supervised, which is part of Strategic
 21 Services at Rimini Street. [REDACTED]

22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

26 3. My team of Oracle Solution Architects in my role as General Manager, and my
 27 previous team of Functional Support personnel, have never had any access to Oracle software
 28 environments, software, or patches while at Rimini Street. We have never relied on any non-

1 public Oracle materials in creating Rimini's Online Materials concerning Oracle Applications.
 2 Instead, we rely upon publicly available materials and information to prepare Online Materials.
 3 These teams are not part of the support group at Rimini.

4. It is Rimini's legal and marketing departments' policy to ensure that we have
 5 cited reference materials in articles and other Online Materials where appropriate. Generally,
 6 this is done by use of footnotes or end notes.

7. My team does not speak to or collaborate with Rimini Street developers or
 8 employees in the client support departments to prepare marketing and sales materials, including
 9 Online Materials.

10. My Functional Support Services team authored the white paper "Summary
 11 Analysis for PeopleSoft 9.2 – FSCM Images 1-28 HCM Images 1-27," which is publicly
 12 available on Rimini's website (the "White Paper"). Neither my team nor I accessed, viewed,
 13 logged into, opened, looked at, reviewed, consulted, considered, or referenced¹ any Oracle
 14 software environments, software, or Oracle support documents that Oracle provides to its
 15 support clients, to create the White Paper.

16. To create the White Paper, I relied on then-publicly available information called
 17 the Cumulative Feature Overview Tool ("CFO" Tool). That source is cited in the article at
 18 Reference #1. The CFO Tool was publicly published by Oracle and contains a summary, high-
 19 level, list of Oracle updates written for general consumption. The tool was an Oracle marketing
 20 tool built by Oracle to show clients and prospects what features and functionality were
 21 available. Use of the tool does not require any Oracle software or Oracle software environment.
 22 Given the publicly available information regarding Oracle's updates, I analyzed the usefulness
 23 of those updates in the White Paper and subjectively classified them using a methodology I
 24 developed similar to a Gartner magic quadrant graph. The paper is a summary of my opinion
 25 of the usefulness of the updates.

26

27

¹ I say "referenced" in its definition of consulting or gaining information from; I did
 28 mention and discuss Oracle software in the White Paper, and in that sense, "referenced" it.

1 8. The White Paper states that “[t]he Functional Support Services (FSS)
2 organization within Rimini Street analyzed all of the updates Oracle Corporation incorporated
3 into the PeopleSoft 9.2 HCM images 1-27 and FSCM images 1-28.” This statement is referring
4 to my analysis based on the CFO Tool’s then-publicly available summaries of Oracle’s updates.

5 9. I have been informed that Oracle is claiming that the above-quoted sentence
6 implies that Rimini must have analyzed proprietary Oracle software—e.g., opened Oracle
7 software files, accessed software environments, or analyzed proprietary Oracle support
8 materials. That is not correct for the reasons described above.

9 10. I have personally authored approximately 100 articles, white papers, and other
10 content for Rimini's website since joining Rimini Street. It is my practice to accurately attribute
11 information to the sources I rely on when I create content for Rimini's website. My typical
12 practice is to include footnotes or end notes, with links where possible, identifying those
13 sources. To the extent I may have reviewed other, ancillary, publicly available information for
14 general background that are not referenced in the notes, I do not keep track of such materials,
15 do not believe I could reliably create a list of all such materials, and believe it would be
16 extremely burdensome to attempt to do so.

17 11. Online Materials on Rimini's website, including the White Paper, are accessible
18 to the public and downloadable. In some cases, someone wishing to download Online Materials
19 is required to provide their name and organization and then click the "download" button.

21 I declare under penalty of perjury under the laws of the United States that the foregoing
22 is true and correct and that this declaration was executed in Sanford, Florida, on this 16th day
23 of December, 2019.

By: Frank Renek
Frank Renek